



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,959	07/30/2003	Lawrence Bergman	YOR920030056US1(8728-607)	1793
46069 7590 01/22/2008 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER DAO, THUY CHAN	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/630,959		BERGMAN ET AL.	
	Examiner		Art Unit	
	Thuy Dao		2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/17/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief (hereinafter "Brief") filed on November 1, 2007, PROSECUTION IS HEREBY REOPENED. a new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

2. Per Applicants' request, claims 1-19 have been canceled (Amendments filed August 8, 2007).

3. The objection to drawings is withdrawn in view of Applicants' amendments.

4. Claims 20-34 have been reconsidered.

A. In view of persuasive Appellants' arguments over the reference Horvitz (regarding claims 26-29 – Brief, pp. 7-8 and page 10), over Horvitz in view of Harel (regarding claims 30-34 – Brief, pp. 11-13 and page 15), and over Horvitz in view of Sullivan (regarding claims 20-25 – Brief, pp. 13-15), the rejections under sections 102 and 103 based on the reference Horvitz have been withdrawn herein.

B. The examiner respectfully maintains that independent claims 20 and 26 stand rejected as being anticipated, separately, by Messinger and Bala; and independent

claim 30 stands rejected as being anticipated by Mayuzumi as provided in details in paragraphs 7 and 11-13 below.

C. In this Office action, the examiner establishes new ground of rejection over claims 21-25 and 27-34 as being anticipated by Messinger as provided in paragraphs 9-10 below.

Information Disclosure Statement

5. The Office acknowledges receipt of the Information Disclosure Statement filed on August 17, 2007. It has been placed in the application file and the information referred to therein has been considered by the examiner.

Specification

6. The disclosure is objected to because of the following informalities: pages 19-20 have small text font size.

Appropriate correction is required.

Response to Arguments

7. Applicants' arguments regarding the references Messinger, Bala, and Mayuzumi have been fully considered. However, they are not persuasive.

i) Claim 20 (Brief, pp. 4-6):

Re: Claim 20 stands rejected as being anticipated, separately, by Messinger (US Patent No. 7,000,187) and Bala (US Patent Publication Application No. 2004/0130572).

a) With regard to Messinger (Brief, page 5):

Limitation at issue: "a server for processing a plurality of execution traces associated with instances of an executed procedure to generate a reusable executable procedure".

Appellants acknowledged that Messinger teaches an "on-line coach" but "not analogous to 'a server'" (Brief, page 5, lines 7-8).

Examiner would like to direct Appellants' attention to FIG. 13C, in which the "on-line coach" is providing and/or serving technical support to and training a user in operating, e.g., a software application/task.

It should be noted that to initiate and/or facilitate a coaching feature/session, the user needs to log into the network - see "login", "logout", and "change password" indicators 448 (col.12: 28-52), and wherein a network administrator controls/administrates the whole process (emphasis added). That is to say at least the network administrator is serving an equivalent function of a so-called "server" as claimed (also see col.12: 28-52).

Messinger also explicitly teaches "a server for processing a plurality of execution traces associated with instances of an executed procedure to generate a reusable executable procedure" (e.g.,

FIG. 3A, a plurality of tasks (Display Task List 62 as display a plurality of reusable executable procedures) comprises a plurality of steps (Sequence Through Steps 66 as sequence through a plurality of execution traces), col.6: 13-24;

FIG. 8, New Task? YES 380 (processing and generating a new reusable executable procedure), Record New Task Sequence 385 (record a plurality of execution traces of the new executed task), Add New Task to Task List 390 (add a new reusable executable procedure to a procedure list), col.9: 38-65; and

FIG. 5, Display Task List 98 (display executable procedure list), Task Selected? YES 100, Replace Task With List of Steps 120 (replace said selected executable procedure by list of execution traces), Task Loop 140 (performing steps in said selected task as performing execution traces in the reusable executable procedure), col.6: 66 – col.7: 38;

FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session.

Accordingly, Messinger explicitly teaches all claimed limitations.

b) With regard to Bala (Brief, page 5, claim 20):

Limitation at issue: "a server for processing a plurality of execution traces associated with instances of an executed procedure to generate a reusable executable procedure".

The examiner respectfully disagrees with Appellants' assertions. Bala explicitly teaches:

FIG. 1, [0048-0049], a server connected to LAN 171 and/or WAN 173;

FIG. 6, [0074-0079], Use (Active Content Wizard) ACW Authoring Tool to Create ACW Script 650 (a server for processing/creating a reusable executable procedure), Store the Steps Contained in a Format Readable by the ACW Interpreter 680 (a server for storing the execution traces associated with said procedure); and

FIG. 4, [0056-0060], User Selects Task 410 (select a reusable executable procedure), Is the System in Step by Step Mode? YES 464 (is the system in trace by trace mode), Execute Step Using ACW Interpreter Module 452 (execute said plurality of execution traces).

Accordingly, Bala also explicitly teaches the claimed limitations.

ii) Claim 26 (Brief, pp. 6-9):

Re: Claim 26 stands rejected as being anticipated, separately, by Messinger and Bala.

a) With regard to Messinger (Brief, pp. 6-7):

As an initial matter, examiner notes that Appellant's argument directed to the abstract, which are not related to all the text/code portions extracted from the references and used to reject the claimed limitations as set forth in the previous Office action mailed May 8, 2006 – see 37 C.F.R. section 1.111 (b).

Per the plain language of claim 26, Messinger explicitly teaches *a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for generating a reusable executable procedure, the method steps comprising:*

obtaining a plurality of execution traces (e.g., FIG. 8, blocks 380, 385 New Task? YES (obtaining a new reusable executable procedure), block 385 Record New

Art Unit: 2192

Task Sequence (record new execution traces of the new reusable executed procedure), col.9: 37-65),

wherein each execution trace represents an execution instance of a procedure (e.g., FIG. 3A, Receive Selected Task? YES 64, Sequence Through Steps 66, steps as execution traces representing execution instances of said selected task; FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session);

processing said execution traces to create a reusable executable procedure associated with said procedure (e.g., FIG. 8, block 385 Record New Task Sequence (record new execution traces to create a new reusable executed procedure); FIGs. 9-12, Smurf Detection task 42b comprises Steps 1-n, col.10: 44 – col.11: 56);

wherein said procedure can be automatically performed by invoking the reusable executable procedure (e.g.,

FIG. 2, within the GUI window 40a, Task List 43 includes a Smurf Detection Task button 42b to invoke the Smurf Detection Task, col.5: 52 – col.6: 12; and

FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session).

Accordingly, Messinger explicitly teaches the claimed limitations.

b) With regard to Bala (Brief, page 7, claim 26):

As an initial matter, examiner notes that Appellant's argument directed to the abstract and paragraphs [0074]-[0079], which are not related to all the text/code portions extracted from the references and used to reject the claimed limitations as set forth in the previous Office action mailed May 8, 2006 – see 37 C.F.R. section 1.111 (b).

Per the plain language of claim 26, Bala explicitly teaches *a program storage device readable by machine, tangibly embodying a program of instructions executable*

by the machine to perform method steps for generating a reusable executable procedure, the method steps comprising:

obtaining a plurality of execution traces, wherein each execution trace represents an execution instance of a procedure (e.g.,

FIG. 6, Use (Active Content Wizard) ACW Authoring Tool to Create ACW Script 650 (create a reusable executable procedure), Store the Steps Contained in a Format Readable by the ACW Interpreter 680 (store the execution traces associated with said reusable executable procedure);

FIG. 4, Execute Step Using ACW Interpreter Module 452, Are There Additional Steps to Execute? 458, steps to execute as a plurality of execution traces, [0058]);

processing said execution traces to create a reusable executable procedure associated with said procedure (e.g.,

FIG. 6 as above, Use (Active Content Wizard) ACW Authoring Tool to Create ACW Script 650 (create a reusable executable procedure), Store the Steps Contained in a Format Readable by the ACW Interpreter 680 (store the execution traces associated with said reusable executable procedure);

FIG. 4, User Selects Task 410 (select a reusable executable procedure), Is the System in Step by Step Mode? YES 464 (is the system in trace by trace mode), Execute Step Using ACW Interpreter Module 452),

wherein said procedure can be automatically performed by invoking the reusable executable procedure (e.g., FIG. 4, blocks 410, 422, 464 , [0056-0057]; FIG. 5A-J, task "Edit the path variable" is executed by system 200, [0059]).

Accordingly, Bala explicitly teaches the claimed limitations.

iii) Claim 30 (Brief, pp. 9-10):

Re: Claim 30 stands rejected as being anticipated by Mayuzumi (US Patent No. 6,134,644).

The examiner respectfully disagrees with Appellants' assertions (Brief, page 9, last paragraph). Mayuzumi explicitly discloses *launching a reusable executable procedure* (e.g.,

FIG. 16 shows "a procedure of a control process carried out by the multi-media control unit 47 ...", col.20: 9-10, emphasis added;

said multi-media control unit 47 carries out/launches said control process "when errors of the error codes 0001 and 0002 occur simultaneously", col.20: 10-12, emphasis added).

The Appellants further asserted, "...FIG. 16 a method in which help screen are presented to a user ..." (Brief, page 10, second paragraph). The examiner respectfully disagrees. It should be noted that FIG. 16, the initial step "Display and Reproduction of Help Information", emphasis added, as launching step of a reusable procedure (i.e., "a procedure of a control process carried out by the multi-media control unit 47 ...", col.20: 9-10).

Per the plain language of claim 30, Mayuzumi explicitly teaches *a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for executing a reusable procedure, the method steps comprising:*

launching a reusable executable procedure (e.g.,

FIG. 16 shows "a procedure of a control process carried out by the multi-media control unit 47 ...", col.20: 9-10, emphasis added;

said multi-media control unit 47 carries out/launches said control process "when errors of the error codes 0001 and 0002 occur simultaneously", col.20: 10-12, emphasis added);

automatically executing procedure steps associated with said reusable executable procedure (e.g., FIG. 16, the multi-media control unit 47 automatically carries out the procedure of said control process, S11-S18, col.20: 27: 60); and

relinquishing control of execution of said reusable procedure to a user, when a next step of said reusable executable procedure cannot be successfully executed (e.g.,

FIG. 16, S13, Are all troubles recovered? NO → S14 (next step cannot be successfully executed), Is a 'Detailed Explanation' button pressed? YES (relinquishing control of execution to a user), emphasis added;

S18, Are all troubles recovered? NO → S19 (next step cannot be successfully executed), Is there a click for a screen not in the gray-colored display? YES (relinquishing control to a user), col.21: 1-17, emphasis added).

Accordingly, Mayuzumi explicitly teaches the claimed limitations.

8. Applicants' arguments regarding dependent claims 21-25, 27-29, and 31-34 have been considered but are moot in view of the new ground(s) of rejection as provided in paragraphs 9-10 below.

Claim Rejections – 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 20-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Messenger (art of record, US Patent No. 7,000,187).

Claim 20:

Messenger discloses *a system for providing technical support, comprising:*

a client device comprising an application for monitoring and recording a procedure that is performed using said client device and generating an execution trace representing an instance of said procedure (e.g., FIG. 1, col.4: 58 – col.5: 51);

a procedure trace repository for storing execution traces (e.g., FIG. 2, Task List 43, col.5: 53 – col.6: 12; FIG. 5, block 100 and 82, a specific task include a list of steps, col.7: 1-38); and

a server processing a plurality of execution traces associated with instances of an executed procedure to generate a reusable executable procedure (e.g.,

FIG. 3A, a plurality of tasks (see Display Task List 62 as display a plurality of reusable executable procedures) comprises a plurality of steps (see Sequence Through Steps 66 as sequence through a plurality of execution traces), col.6: 13-24;

FIG. 8, New Task? YES 380 (processing and generating a new reusable executable procedure), Record New Task Sequence 385 (record a plurality of execution traces of the new executed task), Add New Task to Task List 390 (add a new reusable executable procedure to a procedure list), col.9: 38-65; and

FIG. 5, Display Task List 98 (display executable procedure list), Task Selected? YES 100, Replace Task With List of Steps 120 (replace said selected executable procedure by list of execution traces), Task Loop 140 (performing steps in said selected task as performing execution traces in the reusable executable procedure), col.6: 66 – col.7: 38;

FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session

wherein said procedure can be automatically performed on the client by invoking the reusable executable procedure (e.g., FIG. 2, within the GUI window 40a, Task List 43 includes a Smurf Detection Task button 42b to invoke the Smurf Detection Task, col.5: 52 – col.6: 12).

Claim 21:

The rejection of claim 20 is incorporated. Messinger also discloses *a library for storing reusable executable procedures* (e.g., FIG. 1, Collector Databases 14a-14b, col.4: 58 – col.5: 38).

Claim 22:

The rejection of claim 20 is incorporated. Messinger also discloses the server distributes a reusable executable procedure to a client device comprising an execution engine for executing said reusable executable procedure (e.g., FIG. 3A, a plurality of tasks (see Display Task List 62 as display a plurality of reusable executable procedures) comprises a plurality of steps (see Sequence Through Steps 66 as sequence through a plurality of execution traces), col.6: 13-24).

Claim 23:

The rejection of intervening claim 22 is incorporated. Messinger also discloses *said reusable executable procedure is executed for upgrading software residing on the client device* (e.g., col.9: 57-65; col.5: 65 – col.6: 3).

Claim 24:

The rejection of intervening claim 22 is incorporated. Messinger also discloses *said reusable executable procedure is executed for providing diagnostic support* (e.g., col.5: 65 – col.6: 3; col.2: 19-24).

Claim 25:

The rejection of intervening claim 22 is incorporated. Messinger also discloses *an execution engine of a client device comprises means for allowing a user to manually execute at least a portion of said reusable executable device and generating an execution trace representing said manual execution, wherein said execution trace representing said manual execution is processed by said server to augment said reusable executable procedure* (e.g., FIGs. 9-12, col.9: 66 – col.11: 56, where an

automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session).

Claim 26:

Messinger explicitly teaches *a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for generating a reusable executable procedure, the method steps comprising:*

obtaining a plurality of execution traces (e.g., FIG. 8, blocks 380, 385 New Task? YES (obtaining a new reusable executable procedure), block 385 Record New Task Sequence (record new execution traces of the new reusable executed procedure), col.9: 37-65),

wherein each execution trace represents an execution instance of a procedure (e.g., FIG. 3A, Receive Selected Task? YES 64, Sequence Through Steps 66, steps as execution traces representing execution instances of said selected task; FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session);

processing said execution traces to create a reusable executable procedure associated with said procedure (e.g., FIG. 8, block 385 Record New Task Sequence (record new execution traces to create a new reusable executed procedure); FIGs. 9-12, Smurf Detection task 42b comprises Steps 1-n, col.10: 44 – col.11: 56);

wherein said procedure can be automatically performed by invoking the reusable executable procedure (e.g.,

FIG. 2, within the GUI window 40a, Task List 43 includes a Smurf Detection Task button 42b to invoke the Smurf Detection Task, col.5: 52 – col.6: 12; and

FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session).

Claim 27:

The rejection of claim 26 is incorporated. Messinger also discloses *obtaining an execution trace comprise instructions for monitoring and recording a sequence of actions that are performed by an individual when executing an instance of said procedure* (e.g., FIG. 8, New Task? YES 380 (processing and generating a new reusable executable procedure), Record New Task Sequence 385 (record a plurality of execution traces of the new executed task), Add New Task to Task List 390 (add a new reusable executable procedure to a procedure list), col.9: 38-65).

Claim 28:

The rejection of claim 26 is incorporated. Messinger also discloses *processing said execution traces comprise instructions for performing the steps of: aligning said execution traces to identify corresponding steps between said execution traces; and generalizing said aligned execution traces to generate said reusable executable procedure* (e.g., FIG. 5, Display Task List 98 (display executable procedure list), Task Selected? YES 100, Replace Task With List of Steps 120 (replace said selected executable procedure by list of execution traces), Task Loop 140 (performing steps in said selected task as performing execution traces in the reusable executable procedure), col.6: 66 – col.7: 38).

Claim 29:

The rejection of claim 26 is incorporated. Messinger also discloses *performing the step of augmenting said reusable executable procedure using an execution trace that is obtained during execution of said reusable executable procedure* (e.g., FIG. 3A, a plurality of tasks (see Display Task List 62 as display a plurality of reusable executable procedures) comprises a plurality of steps (see Sequence Through Steps 66 as sequence through a plurality of execution traces), col.6: 13-24; FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session).

Claim 30:

Messinger discloses *a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for executing a reusable procedure, the method steps comprising:*

launching a reusable executable procedure (e.g., FIG. 5, Display Task List 98 (display executable procedure list), Task Selected? YES 100, Replace Task With List of Steps 120 (replace said selected executable procedure by list of execution traces), Task Loop 140 (performing steps in said selected task as performing execution traces in the reusable executable procedure), col.6: 66 – col.7: 38);;

automatically executing procedure steps associated with said reusable executable procedure (e.g., FIG. 3A, a plurality of tasks (see Display Task List 62 as display a plurality of reusable executable procedures) comprises a plurality of steps (see Sequence Through Steps 66 as sequence through a plurality of execution traces), col.6: 13-24); and

relinquishing control of execution of said reusable procedure to a user, when a next step of said reusable executable procedure cannot be successfully executed (e.g.,

FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session;

the first step detects the second step cannot be successfully executed without information, then displays input box 52a, requires the user to input information (relinquishing control of execution), col.10: 13-42;

the second step detects the third step cannot be successfully executed without required information and/or what-to-expect, then displays recommended input, example input, subsequent list, and/or repeats voice, requires the user to input information into input box 52a (relinquishing control of execution), col.10: 44-67).

Art Unit: 2192

Claim 31:

The rejection of claim 30 is incorporated. Messinger also discloses *performing the steps of: monitoring user actions while the user is executing steps of said reusable executable procedure; aligning said monitored user actions to said reusable procedure; and continuing automatic execution of said reusable procedure, if said monitored steps align with said reusable procedure* (e.g., FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session).

Claim 32:

The rejection of claim 30 is incorporated. Messinger also discloses *automatically executing procedure steps associated with said reusable executable procedure, comprise instructions for performing the steps of: describing a procedure step to the user; and automatically executing said procedure step, if execution of said procedure step is authorized by said user* (e.g., FIG. 3B, Voice Mode/Text Mode/Action Command/Graphical Overlay Routines, col.6: 25-57).

Claim 33:

The rejection of claim 30 is incorporated. Messinger also discloses *automatically executing procedure steps associated with said reusable executable procedure, comprise instructions for performing the steps of: describing a plurality of procedure steps for selection by the user; and automatically executing a procedure step selected by the user* (e.g., FIG. 3A, a plurality of tasks (see Display Task List 62 as display a plurality of reusable executable procedures) comprises a plurality of steps (see Sequence Through Steps 66 as sequence through a plurality of execution traces), col.6: 13-24).

Claim 34:

The rejection of claim 30 is incorporated. Messinger also discloses *performing the step of relinquishing control of execution of said reusable procedure to a user upon*

request of said user (e.g., FIGs. 9-12, col.9: 66 – col.11: 56, where an automated reusable executable procedure (Smurf Detection task 42b) can be performed and/or used through Steps 1-n by a user in a training session).

11. Claims 20 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bala (art of record, US Patent Publication No. 2004/0130572 A1).

Claim 20:

Bala discloses a system for providing technical support, comprising:

a client device comprising an application for monitoring and recording a procedure that is performed using said client device and generating an execution trace representing an instance of said procedure (e.g., [0040-0041]);

a procedure trace repository for storing execution traces (e.g., FIG. 4, block 410, aligning said steps in a specific task such as "Edit the path variable", [0056]; blocks 422-476, a selected task has associated steps aligned in said task, [0057-0058]); and

a server processing a plurality of execution traces associated with instances of an executed procedure to generate a reusable executable procedure (e.g.,

FIG. 1, [0048-0049], a server connected to LAN 171 and/or WAN 173;

FIG. 6, [0074-0079], Use (Active Content Wizard) ACW Authoring Tool to Create ACW Script 650 (a server for processing/creating a reusable executable procedure), Store the Steps Contained in a Format Readable by the ACW Interpreter 680 (a server for storing the execution traces associated with said procedure);

FIG. 4, [0056-0060], User Selects Task 410 (select a reusable executable procedure), Is the System in Step by Step Mode? YES 464 (is the system in trace by trace mode), Execute Step Using ACW Interpreter Module 452 (execute said plurality of execution traces)

wherein said procedure can be automatically performed on the client by invoking the reusable executable procedure (e.g., FIG. 4, blocks 410 and 422, [0056-0057]; FIG. 5A-J, task "Edit the path variable" is executed by system 200, [0059]).

Claim 26:

Per the plain language of claim 26, Bala explicitly teaches *a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for generating a reusable executable procedure, the method steps comprising:*

obtaining a plurality of execution traces, wherein each execution trace represents an execution instance of a procedure (e.g.,

FIG. 6, Use (Active Content Wizard) ACW Authoring Tool to Create ACW Script 650 (create a reusable executable procedure), Store the Steps Contained in a Format Readable by the ACW Interpreter 680 (store the execution traces associated with said reusable executable procedure);

FIG. 4, Execute Step Using ACW Interpreter Module 452, Are There Additional Steps to Execute? 458, steps to execute as a plurality of execution traces, [0058]);

processing said execution traces to create a reusable executable procedure associated with said procedure (e.g.,

FIG. 6 as above, Use (Active Content Wizard) ACW Authoring Tool to Create ACW Script 650 (create a reusable executable procedure), Store the Steps Contained in a Format Readable by the ACW Interpreter 680 (store the execution traces associated with said reusable executable procedure);

FIG. 4, User Selects Task 410 (select a reusable executable procedure), Is the System in Step by Step Mode? YES 464 (is the system in trace by trace mode), Execute Step Using ACW Interpreter Module 452),

wherein said procedure can be automatically performed by invoking the reusable executable procedure (e.g., FIG. 4, blocks 410, 422, 464 , [0056-0057]; FIG. 5A-J, task "Edit the path variable" is executed by system 200, [0059]).

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Mayuzumi (art of record, US Patent No. 6,134,644).

Claim 30:

Mayuzumi discloses *a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for executing a reusable procedure, comprising the steps of:*

launching a reusable executable procedure (e.g.,

FIG. 16 shows "a procedure of a control process carried out by the multi-media control unit 47 ...", col.20: 9-10, emphasis added;

said multi-media control unit 47 carries out/launches said control process "when errors of the error codes 0001 and 0002 occur simultaneously", col.20: 10-12, emphasis added);

automatically executing procedure steps associated with said reusable executable procedure (e.g., FIG. 16, the multi-media control unit 47 automatically carries out the procedure of said control process, S11-S18, col.20: 27: 60); and

relinquishing control of execution of said reusable procedure to a user, when a next step of said reusable executable procedure cannot be successfully executed (e.g.,

FIG. 16, S13, Are all troubles recovered? NO → S14 (next step cannot be successfully executed), Is a 'Detailed Explanation' button pressed? YES (relinquishing control of execution to a user), emphasis added;

Art Unit: 2192

S18, Are all troubles recovered? NO → S19 (next step cannot be successfully executed), Is there a click for a screen not in the gray-colored display? YES (relinquishing control to a user), col.21: 1-17, emphasis added).

Conclusion

14. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao



TUAN DAM
SUPERVISORY PATENT EXAMINER